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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,849	02/10/2006	**Gang Hyun Lee**	9988.298.00	7334

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EXAMINER	
WALDBAUM, SAMUEL A	
ART UNIT	PAPER NUMBER
1792	
MAIL DATE	DELIVERY MODE
11/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/567,849	LEE, GANG HYUN	
	Examiner	Art Unit	
	SAMUEL A. WALDBAUM	1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17,19 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17,19 and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. In the reply filed August 19, 2008, the applicant amended claims 1, 6, 7, 10, 16 and 19, cancelled claim 18. The previous rejection is hereby withdrawn in favor of the new rejection found below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4, 9 and 16-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Frank Evertzberg (EP 1151717, hereafter `717) in view of Ohyama (U.S. 5,874,901, hereafter `901) and Latino (U.S. pgpub 2005/0002155, hereafter `155).

4. Claims 1, 2 and 16: `717 teaches a dishwasher, with a door (fig. 1, part 2) with a handle (fig. 1) with a cabinet (fig. 1, shows the cabinet of the dishwasher) with a top table (fig. 2, part 5) with a light refraction unit (part 13). `717 does not teach a hole in the top table for the light refraction unit to display the light through. `901 is solving the same problem as the applicant of

having a light reflecting display showing through top of a apparatus. `901 teaches a prism (part 19) that that directs the light from the light source (part 21, col. 4, lines 1-69) to the surface of the top of the apparatus (fig. 1 and 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the light refraction unit go through a hole in the top as taught `901 in apparatus `717 to have yield the predictable result of displaying the information through the top plate.

`717 and `901 does not teach that the light refraction unit/hence the display is movable/reciprocating in the vertical direction. `155 is solving the same problem as the applicant of making a display movable/reciprocating in the vertical direction. `155 teaches a spring to raise a display portion when a trigger is released ([0032]), and the unit is reset by the pressing down on the unit ([0032]) allowing for the displayed to be raised and lower, thus allowing the display to be seen when raised and hide when lowered ([0032]) thus allowing the display to viewed at one positioned and stored at another position ([0032]), where it is inherent that some part of the drive mechanism is inside the insertion hole in order to cause the display to raised (meaning that some part of the drive unit enters the insertion hole since it has to push the display through the hole, thus some part is inserted in the hole). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a drive unit as taught by `155 to raise and lower the display/refraction unit of apparatus thus allowing the display to be stored in one position and viewed in another position.

5. Claim 3: It would have been an obvious matter of design choice to have made the refraction unit a rectangular parallelepiped, since such a modification would have involved a

mere change in the shape of a component. A change of shape is generally recognized as being within the ordinary level of skill in the art. *In re Dailey*, 357 F.2nd 669, 149 USPQ 1966.

6. Claims 4 and 17: `717 teaches that the light refraction unit has multiple predetermined angles for the light to go through for the user to see (fig. 10 and 11) and that the unit has a transparent body. `901 teaches that the prisms have multiple angles for the light to be directed to the correct location for the information to be seen (fig. 2, 5, 6, col. 4 lines 1-67 and col. 7 lines 5-50) and that the unit has a transparent body (col. 4, lines 1-67).

7. Claim 9: It would have been an obvious matter of design choice to have made the refraction unit where the back portion is higher than the front, since such a modification would have involved a mere change in the shape of a component. A change of shape is generally recognized as being within the ordinary level of skill in the art. *In re Dailey*, 357 F.2nd 669, 149 USPQ 1966.

Claim 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frank Evertzberg (EP 1151717) in view of Ohyama (U.S. 5,874,901) and Latino (U.S. pgpub 2005/0002155) as applied to claims 1 and 16 above, and further in view of Sedig (U.S. 5,399,109, hereafter `109).

`717, `901, `155 teach all the limitations of claim1 1 and 16.

8. Claim 6: `717, `901, `155 does not teach that the spring drive unit is released when the user presses the refraction/display unit. `109 is solving the same problem as the applicant of pressing down on a trigger to release a spring latch (col. 2, line 60-col. 3 line 10). It would have been obvious to one of ordinary skill in the art at the time invention was made that the spring can be released by pressing down on a object as taught by `901 in apparatus `717 in view of `901 and

`55 to have caused the spring to raise and lower the light refraction unit allowing the unit to be raised to be seen and lower to hide the display.

Claims 5, 7, 8, 10-15, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frank Evertzberg (EP 1151717) in view of Ohyama (U.S. 5,874,901) and Latino (U.S. pgpub 2005/0002155) as applied to claims 1 and 16 above, and further in view of Costanzo (U.S. pgpub. 2002/0077525, hereafter `525).

`717, `901 and `155 teach all the limitations of claim1 1 and 16.

9. Claims 5, 7, 8, 10, 12-14 and 19-20: See claims 1 and 16 above. `717 does not explicitly teach a tub for dishes. It is inherent that a tub is taught the place where the washing occurs and the inner part of the cabinet (fig. 1 and 3). `525 is solving the same problem as the applicant of using a switch and a step motor to raise and lower a object. `525 teaches using a switch connected to a step motor to control the motor to raise and lower an object ([0007], where the drive mechanism is composed of a step motor, a gear system and a rack). All of the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention, meaning that a switch place on the side of the container, a location where the user can reach, where the drive unit is a step motor to raise and lower the object as taught by `525, where the unit is mounted underneath the refraction unit in apparatus `717 in view of `901 and `155 to have yield the predictable result of raising and lowering the display/refraction unit.

10. Claim 11: `155 teaches using a spring to raise the display unit ([0032]).

11. Claim 15: See claims 4 and 17 above.

Response to Arguments

12. Applicant's arguments filed August 19, 2008 have been fully considered but they are not persuasive.

13. Applicant is arguing that the drive unit is beneath the insertion hole and that it is not located inside the insertion hole. However, it is inherent that some part of the drive mechanism is inside the insertion hole in order to cause the display to raised (meaning that some part of the drive unit enters the insertion hole since it has to push the display through the hole, thus some part is inserted in the hole).

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMUEL A. WALDBAUM whose telephone number is (571)270-1860. The examiner can normally be reached on M-TR 6:20-3:50, F 6:30-10:30 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. A. W./
Examiner, Art Unit 1792

/FRANKIE L. STINSON/
Primary Examiner, Art Unit 1792